

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: <u>14</u> October 2004 (14.10.2004)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NO. (if known): Not Yet Assigned 10/511205
INTERNATIONAL APPLICATION NO.: PCT/EP03/03892	INTERNATIONAL FILING DATE: 15 April 2003 (15.04.2003)	PRIORITY DATE CLAIMED: 15 April 2002 (15.04.2002) DE
TITLE OF INVENTION: USE OF SUBSTANCES FOR TREATING TUMORS		
APPLICANT(S) FOR DO/EO/US: CAHILL, Michael; WOZNY, Wojciech; SCHRATTENHOLZ, Andre; KLOCKER, Helmut; ROGATSCH, Hermann;		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article31)</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) <p>6. <input checked="" type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input checked="" type="checkbox"/> Other items or information: TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 03/086461 A2 WITH ENGLISH TRANSLATION; INTERNATIONAL PUBLICATION DATE 23 October 2003 (23.10.2003) WHICH CONSISTING OF 30 PAGES, 1 PAGE STATING THE VERIFICATION OF TRANSLATION, 20 PAGES OF TEXTUAL SPECIFICATION WITH TABLES, 5 PAGES WITH 23 CLAIMS, 1 PAGE OF THE ABSTRACT, 3 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENT A AND B TO BE EXAMINED; INTERNATIONAL PUBLICATION WO 03/086461 A3 WITH INTERNATIONAL SEARCH REPORT (PCT/ISA/210); UNEEXECUTED INVENTOR'S DECLARATION; PETITION TO ALLOW COLOR DRAWINGS UNDER 37 CFR 1.84; THREE (3) SETS OF COLOR DRAWINGS, BLACK AND WHITE PHOTOCOPIES OF THE COLOR DRAWINGS; PCT/IB/304 NOTIFICATION CONCERNING TRANSMITTAL OF PRIORITY DOCUMENT; PCT/REQUEST; POSTCARD FOR EARLY NOTIFICATION OF SERIAL NUMBER </p>		

ATTORNEY'S DOCKET NO: 26418U

U.S. APPLICATION NO. (if known) not yet assigned 10/511205	INTERNATIONAL APPLICATION NO. PCT/EP03/03892	DATE: <u>14</u> October 2004 (14.10.2004)		
<p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO:.....\$950.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$750.00</p> <p>No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$790.00</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,110.00</p> <p>International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00</p>		<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>	
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 950.00		
<p>Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> <u>X</u> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p>		\$ 0.00		
CLAIMS	NO. FILED	NO. EXTRA	RATE	
TOTAL	28 -20=	8	X \$ 18.00	\$ 144.00
INDEPENDENT	5 - 3=	2	X \$ 88.00	\$ 176.00
Multiple dependent claims(s) (if applicable)			+ \$300.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =				\$ 1,270.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ -635.00
SUBTOTAL =				\$ 635.00
Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00
TOTAL NATIONAL FEE =				\$ 635.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00
TOTAL FEES ENCLOSED =				\$ 635.00
		Amount to be: refunded charged		\$ \$

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U.S. APPLICATION NO. (if known) not yet assigned 10/511205	INTERNATIONAL APPLICATION NO. PCT/EP03/03892	DATE: 14 October 2004 (14.10.2004)
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- a. Two checks in the amounts of \$ 635.00 and \$ 130.00 to cover the above government filing fee and the petition fee are enclosed.
- b. Please charge my Deposit Account No. 14-0112 in the amount of \$ _____ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0112.
- d. Fees are to be charged to a credit card ____ WARNING: Information on this form may become public ____ Credit Card Information should not be included on this form. ____ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

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10/511205

MAIL BOX PCT

Attorney Docket No. 26418U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CAHILL, et al

International Application No. PCT/EP03/03892

Serial No. NOT YET ASSIGNED

International Filing Date: 15 April 2003 (15.04.2003)

Filed: October 14, 2004

I DT03 Rec'd PCT/PTO 14 OCT 2004

For: USE OF SUBSTANCES FOR TREATING TUMORS

TRANSMITTAL LETTER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

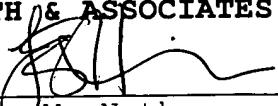
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Transmittal Letter To U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication No: WO 03/086461 A2 with Verified English Translation, International Publication Date: 23 October 2003 (23.10.2003), which consists of 30 pages:
 - 1 Page of stating Verification of Translation,
 - 20 Pages of Textual Specification with Tables,
 - 5 Pages of 23 Claims,
 - 1 Page of the Abstract,
 - 3 Sheets of Drawings;
- (4) **Preliminary Amendment with Attachment A and B to be Examined;**
- (5) International Publication No: WO 03/086461 A3 with International Search Report (PCT/ISA/210);
- (6) Unexecuted Inventor's Declaration;
- (7) Petition to allow Color Drawings under 37 CFR 1.84;
- (8) Three (3) Sets of Color Drawings;
- (9) Black and White photocopies of Color Drawings;
- (10) PCT/IB/304 Notification Concerning Transmittal of Priority Document;
- (11) PCT/Request;
- (12) Check No. 21917 \$ 635.00 for Government Filing Fee, Additional Claims as a Small Entity;
- (13) Check No. 21918 \$ 130.00 for Petition Fee under § 1.17(h);
- (14) Postcard for early notification of serial number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath

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Tanya E. Harkins

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Date: October 14, 2004

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